

Notice of Allowability

Application No.

10/033,732

Examiner

David B. Thomas

Applicant(s)

CHEN ET AL.

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed May 19, 2005.
2. ☒ The allowed claim(s) is/are 29,31-40,42,44,45 and 47-99.
3. ☒ The drawings filed on 27 December 2001 and 25 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date herewith
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


David B. Thomas
Primary Examiner
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NOTICE OF ALLOWANCE

Allowable Subject Matter

1. Claims 29, 31-40, 42, 44, 45, and 47-99 are allowed.
2. The following is an examiner's statement of reasons for allowance: An updated search in response to the Request for Continued Examination filed May 19, 2005 has revealed two references to Emesh et al. (6,736,952 and 6,572,755, respectively). Upon consideration of the disclosure and teachings of Emesh et al, it is the examiner's opinion that Emesh et al. fail to provide one or more *pockets* formed in the polishing surface (claim 29, 90), as Emesh et al. require *holes* in the polishing surface such that the conductive contact elements may project from the polishing platen into, or through, the polishing pad. Emesh et al. also fail to provide a polishing article comprising a body having *at least a partially conductive surface* adapted to polish the substrate (claims 42, 53, and 59) as the polishing pad of Emesh et al., as disclosed, is formed of *insulating material*, therefore, it could not be at least partially conductive. Regarding claim 82, Emesh et al. is silent with respect to the shape of the contact surface of the conductive element, e.g. the contact surface is rounded, cylindrical, spherical, or comprised of fibers, loops, fingers, strands, or combinations thereof. Regarding claims 64 and 77, Emesh et al. fail to provide a biasing member disposed between the conductive element and the body. Emesh et al. also fail to provide a basin, a permeable disc disposed in the basin, a partially conductive polishing surface (claim 59) or a basin, a permeable disc, and a polishing article having an electrode and at least one conductive element, and a counter electrode (claim 99). Therefore, in consideration of Emesh et al. and the

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prior art of record, taken as a whole, alone, or in part, it is the examiner's opinion that the present application is in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David B. Thomas
Primary Examiner
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